

## Blogging on Business & Human Rights

February 16, 2023

### *Towards an EU Directive on Corporate Sustainability Due Diligence*

**About the organisers:** Claire Bright is Vice Dean and Associate Professor at Nova Law School, Lisbon, and Founder and Director of the NOVA Centre on Business, Human Rights and the Environment. She was co-organiser and host.

Leonard Feld is a Postdoctoral Researcher at the Centre for Law, Sustainability & Justice, University of Southern Denmark. He was co-organiser and editor.

### **Disclaimer and Credits**

The blogposts in this series express the views of the authors, who are affiliated with 15 different universities. The views do not necessarily reflect the position of the Centre for Law, Sustainability & Justice at the University of Southern Denmark or the NOVA Centre on Business, Human Rights and the Environment.

The blogposts were developed during a two-week workshop in January 2023, jointly organised by Dr Claire Bright, Vice Dean and Associate Professor at Nova Law School Lisbon, and Founder and Director of the NOVA Centre on Business, Human Rights and the Environment, and Dr Leonard Feld, Postdoctoral researcher at the Centre for Law, Sustainability & Justice at the University of Southern Denmark.

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### **Subject and Outcome of the Workshop**

From 16 until 31 January 2023, Leonard Feld from the Centre for Law, Sustainability & Justice at the University of Southern Denmark held a hybrid workshop at the NOVA Knowledge Centre for Business, Human Rights and the Environment in Lisbon. The event featured keynote speeches of leading business and human rights (B&HR) scholars, including Prof Claire Bright, Director of the NOVA Centre on Business, Human Rights and the Environment and Prof Karin Buhmann, Director of the Centre for Law, Sustainability & Justice at the University of Denmark. The workshop brought together 15 early-stage researchers from 15 different universities with various legal and cultural backgrounds. The participants discussed, drafted and (co-)authored eleven blog posts on the ongoing legislative initiative for an EU Directive on Corporate Sustainability Due Diligence (CSDDD).

The blog posts draw on the legislative material that has been published to date, including

the initial proposal for a CSDDD by the European Commission from February 2022 (Commission Proposal), the draft report by the Committee on Legal Affairs of the European Parliament from November 2022, prepared by rapporteur Lara Wolters (Wolters Draft Report), and the General Approach of the Council of the EU adopted in December 2022 (Council Proposal). All three documents raise intriguing questions, not only on the scope, regulatory design and judicial enforcement of a future CSDDD, but also concerning its implications for rights-holders and its alignment with relevant international standards. The following blog posts take up these key questions and provide, based on the authors' wide range of expertise, assessments and input for the ongoing legislative procedure.

### **Environmental Due Diligence in the Proposed Corporate Sustainability Due Diligence Directive of the European Union:**

An Assessment From an Environmental Law Perspective

By *Laura Arenas Peralta* (Lawyer & PhD researcher, Universidad Carlos III de Madrid)

### **Redressing Business-Related Human Rights and Environmental Harm, and Doing it the Right Way:**

A Critical (Snapshot) Assessment of the European Commission's Proposal for a Corporate Sustainability Due Diligence Directive in Light of International Standards on the Right to Effective Remedy and Reparation

By *Emma Baldi* (PhD researcher, University of Milan)

### **Defining the Scope of a Corporate Sustainability Due Diligence Directive:**

Concerns, High-Impact Sectors and Financial Institutions

By *Alp Cerrahoglu* (PhD researcher, Özyegin University)

### **Strengthening Stakeholder Engagement in the EU Corporate Sustainability Due Diligence Directive:**

Joint Reflections on How to Ensure Meaningful Engagement with Affected Stakeholders and Better Alignment with International Standards

By *Céline da Graça Pires* (BHR advisor & PhD researcher, NOVA School of Law) and *Daniel Schönfelder* (Lawyer & PhD researcher, University of Erfurt)

### **The Role of the European Union in the Future of Business and Human Rights:**

The European Union Plans for a Corporate Sustainability Due Diligence Directive and the Possible Consequences for a Business and Human Rights Treaty

By *Lucas Sebastián de Erice Aranda* (Assistant Professor, University of La Laguna)

### **How to Draw the Line?**

Determining the 'Appropriateness' of Corporate Human Rights and Environmental Due

Diligence Under the Proposed Corporate Sustainability Due Diligence Directive of the European Union

By *Odile Dua* (PhD researcher, Centre for International Law, Free University of Brussels) and *Leonard Feld* (Postdoctoral researcher, University of Southern Denmark)

### **Is Article 15 of the proposed Corporate Sustainability Due Diligence Directive Effective to Combat Climate Change?**

What Obligations Does the Proposal by the European Commission Impose upon Greenhouse Gas Emitters?

By *Monika Feigerlová* (Research Fellow, Institute of State and Law, Academy of Sciences of the Czech Republic) and *Betül Karagedik* (PhD researcher, Galatasaray University)

### **First Prevent, then if You Can't, Remedy!**

Taking a Closer Look at the Prevention and Remediation Mechanisms of the Corporate Sustainability Due Diligence Directive and the Loi de Vigilance

By *Begüm Kilimciolu* (PhD researcher, University of Antwerp) and *Ann-Charlotte Neumann* (Alumna, University of Potsdam and University Paris X – Nanterre)

### **More than Meets the Eye:**

Participatory (In)Justice and the EU Corporate Sustainability Due Diligence Directive

By *Caroline Lichuma* (PhD researcher, Georg-August University Göttingen) and *Research and Development Specialist, University of Luxembourg*

### **False Promise ... Legal Whitewashing!**

Why Provisions on Directors' Duties are Unnecessary in a Future EU Corporate Sustainability Due Diligence Directive

By *Bonheur Minzoto* (PhD researcher, University of Manchester)

### **Good Intention, but a Bad Approach**

The Proposal to Reform Directors' Duties under Article 25 of the Corporate Sustainability Due Diligence Directive

By *Param Nayankumar Pandya* (PhD researcher, National University of Singapore)